

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:)	Chapter 11
)	
RALPH ROBERTS REALTY, LLC, and)	Case No. 12-53023
RALPH R. ROBERTS,)	Case No. 12-53024
)	
Debtors.)	Judge Thomas J. Tucker
)	

**FIRST DAY MOTION OF RALPH ROBERTS REALTY, LLC AND RALPH ROBERTS
FOR ORDER DIRECTING JOINT ADMINISTRATION OF CHAPTER 11 CASES**

Ralph Roberts Realty, LLC (“Realty”) and Ralph R. Roberts (collectively, the “Debtors”) hereby move the Court for entry of an order pursuant to Rule 1015 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Local Rule 1015-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Eastern District of Michigan (the “Local Rules”) directing joint administration of these chapter 11 cases (the “Motion”). In support of the Motion, the Debtors respectfully state as follows:

Jurisdiction

1. This Court has jurisdiction over this Motion under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A) and (O).

2. Venue of this proceeding and the Motion is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory bases for the relief requested herein are Section 105(a) of Title 11 of the United States Code as amended from time to time (the “Bankruptcy Code”), Bankruptcy Rule 1015(b) and Local Rule 1015-1.

Factual Background

4. On the date hereof (the “Petition Date”), the Debtors filed their voluntary petitions for relief under chapter 11 of the Bankruptcy Code (the “Chapter 11 Cases”). The Debtors are

operating their businesses and managing their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner or committee has been appointed in these cases.

5. Ralph Roberts Realty, LLC (“Realty”) is a real estate brokerage firm that, in addition to its full-service real estate business, also, invests in real estate and Mr. Roberts is its president.

6. Mr. Roberts is a salaried employee of Realty, with a 35-year career in real estate.

7. The Debtors have commenced these cases to facilitate their orderly restructuring and believe their current efforts will maximize recovery to all creditors and other parties in interest.

Relief Requested

8. Bankruptcy Rule 1015 provides, in part:

(b) Cases involving two or more related debtors. If a joint petition or two or more petitions are pending in the same court by . . . a debtor and an affiliate, the court may order joint administration of the estates. Prior to entering an order the court shall give consideration to protecting creditors of different estates against potential conflicts of interest.

9. Section 101(2) of the Bankruptcy Code defines “affiliate” to include:

(A) [an] entity that directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor....[or]

(B) [a] corporation 20 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor, or by an entity that directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor . . .

10. As set forth above, Mr. Roberts is a salaried employee of Realty and its president.

Although Mr. Roberts and Realty are separate entities, the financial and business affairs of Mr. Roberts and Realty are connected, their debts are related, and they believe that joint

administration of these chapter 11 cases is warranted. No useful purpose would be served by administering Mr. Roberts' case separately from Realty's case.

11. The Debtors respectfully submit that joint administration of these chapter 11 cases will promote the economic administration of these estates by obviating the necessity of filing duplicate motions and forwarding duplicate notices to creditors and other parties in interest. This will directly benefit the Court and the Clerk by eliminating the entry of duplicate orders and the docketing of duplicate motions. Further, supervision of the administrative aspects of the chapter 11 cases by the Office of the United States Trustee will be simplified.

12. No prejudice will result to any of the Debtors' creditors or other parties in interest by virtue of the relief requested herein as the Debtors request only administrative, not substantive consolidation. For example, any creditor may still file a claim against a particular Debtor or its estate, or multiple Debtors and their respective estates. Thus, the rights of all creditors will be enhanced by the reduced costs resulting from joint administration.

13. By reason of the foregoing, the interests of the Debtors, their creditors and other parties in interest would be best served by joint administration of these chapter 11 cases. Accordingly, the Debtors request that the caption of the chapter 11 cases be modified to reflect their joint administration, under the case number assigned to Ralph Roberts Realty, LLC, as follows:

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In re:)	Chapter 11
)	
RALPH ROBERTS REALTY, LLC, <i>et al.</i> ¹)	Case No. 12-53023
)	(Jointly Administered)
)	
Debtors.)	Judge Thomas J. Tucker
)	

¹This case is jointly administered with the case of Ralph R. Roberts, Case No. 12-53024.

14. The Debtors request that a docket entry shall be made in each of the above-captioned cases, reading substantially as follows:

“An Order has been entered in this case directing the procedural consolidation and joint administration of this chapter 11 case with that of Ralph Roberts Realty, LLC (Case No. 12-53023). Hereafter, the docket for that case should be consulted for all matters affecting these Debtors.”

15. The Debtors also request that the Court make a docket entry stating that any creditor filing a proof of claim against any of the Debtors or their respective estates shall file such proof of claim in the particular bankruptcy case of the Debtor against whom such claim is asserted, and not in the jointly administered case.

Notice

16. No trustee has been appointed in these cases, and no date has been set for the Section 341 meeting of creditors. In addition, the Debtors have given notice to all parties on the Debtors' creditor matrices.

WHEREFORE, Ralph Roberts Realty, LLC, and Ralph R. Roberts respectfully request that the Court enter an Order, substantially in the form attached hereto as Exhibit 1, authorizing and directing the joint administration of the chapter 11 case of Ralph Roberts Realty, LLC with the chapter 11 case of Ralph R. Roberts under the case number assigned to Ralph Roberts Realty, LLC and for such other and further relief as the Court deems just and proper.

Respectfully Submitted,

GOLD, LANGE & MAJOROS, P.C.

Dated: May 25, 2012

/s/ Hannah Mufson McCollum
HANNAH MUFSON MCCOLLUM
Attorneys for the Debtors
24901 Northwestern Highway, Suite 444
Southfield, Michigan 48075
Phone: (248) 350-8220
E-mail: hmccollum@glmpe.com
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**IN THE UNITED STATES BANKRUPTCY COURT
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In re:)	Chapter 11
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RALPH ROBERTS REALTY, LLC, and)	Case No. 12-53023
RALPH R. ROBERTS,)	Case No. 12-53024
)	
Debtors.)	Judge Thomas J. Tucker
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**ORDER DIRECTING JOINT ADMINISTRATION OF THE DEBTORS'
CHAPTER 11 CASES PURSUANT TO FED. R. BANKR. P. 1015(b) AND LOCAL
BANKRUPTCY RULE 1015-1**

Upon the first day motion (the “Motion”), of Ralph Roberts Realty, LLC and Ralph R. Roberts (collectively, the “Debtors”) for entry of an order (the “Order”) pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Local Rule 1015-1 of the Local Rules of Bankruptcy Procedure for the United States Bankruptcy Court for the Eastern District of Michigan authorizing and directing the joint administration of the above-captioned chapter 11 cases; and the Court having reviewed the Motion and all responses thereto; and having determined that notice of the Motion was adequate and proper under the circumstances; and that no further notice is necessary or required; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(a); and it appearing that the Debtors are “affiliates” within the meaning of section 101(2) of the Bankruptcy Code; and it appearing that joint administration of these chapter 11 cases is appropriate pursuant to Bankruptcy Rule 1015(b) and Local Bankruptcy Rule 1015-1; and it appearing that the relief requested is in the best interests of the Debtors, their respective estates, creditors and equity security holders; and after due deliberation and sufficient cause appearing therefore; it is hereby

1. ORDERED that the Motion is granted; and it is further

2. ORDERED that these chapter 11 cases shall be, and hereby are, consolidated for procedural purposes only and shall be administered jointly by the Court in accordance with Bankruptcy Rule 1015(b); and it is further

3. ORDERED that nothing contained in this Order shall affect a creditor's obligation to file its claim(s) in the appropriate case; and it is further

4. ORDERED that the Clerk of the Court shall maintain one file and one docket for all of these jointly administered chapter 11 cases, which file and docket shall be the file and docket for Ralph Roberts Realty, LLC, Case No. 12-53023 and it is further ORDERED that the caption of these jointly administered chapter 11 cases shall be as follows:

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In re:)	Chapter 11
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RALPH ROBERTS REALTY, LLC, <i>et al.</i> ¹)	Case No. 12-53023
)	(Jointly Administered)
)	
Debtors.)	Judge Thomas J. Tucker
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¹This case is jointly administered with the case of Ralph R. Roberts, Case No. 12-53024.

5. AND IT IS FURTHER ORDERED that a docket entry shall be made in each of the above-captioned cases substantially as follows:

“An Order has been entered in this case directing the procedural consolidation and joint administration of this chapter 11 case with that of Ralph Roberts Realty, LLC (Case No. 12-53023). Hereafter, the docket for that case should be consulted for all matters affecting these Debtors.”

6. AND IT IS FURTHER ORDERED that this Order shall constitute notice and be served upon all parties listed on the matrix of each of the jointly administered cases.